

## **REMARKS**

Applicant respectfully requests the Examiner's reconsideration of the present application. Claims 14, 20, 24, 27 and 28 are amended. No claim has been added or cancelled. Accordingly, claims 1-30 are presented for examination.

### **I. Objections to the Specification**

Applicants have amended the title and paragraphs [0045], [0049] and [0050] of the description in accordance with the Examiner's suggestions.

The Examiner has objected to the specification as lacking a "Summary of the Invention." However, Applicants would like to kindly point out that both the M.P.E.P. and 37 C.F.R. §1.73 do not require the presence of a "Summary of the Invention" in a patent application. They merely indicate where in the application the "Summary of the Invention" should be placed if Applicants were to elect to include one. In particular, 37 C.F.R. §1.73 only states that "[a] brief summary of the invention . . . should precede the detailed description." 37 C.F.R. §1.73 does not state "must" or "shall." Accordingly, Applicants have elected not to include a "Summary of the Invention" as this is within the discretion of Applicants.

### **II. Claim Rejections Under 35 U.S.C. § 112**

Claim 20 stands rejected under 35 U.S.C. §112 for not containing sufficient antecedent basis for the limitation "said processor".

Claim 20 has been amended to recited "a processor" and thus provide antecedent basis for the limitation "said processor."

Accordingly, reconsideration and withdrawal of the rejection of claim 20 under 35 U.S.C. §112 is respectfully requested.

### **III. Claim Rejections Under 35 U.S.C. § 102**

Claims 1-13 and 15-30 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,931,451 to Logan et al. ("*Logan*"). Applicants respectfully disagree with this rejection. To anticipate a claim, the Examiner must show that a single reference teaches each of the elements of that claim.

Among other limitations, independent claims 1, 17, and 20 recite “determining if said broadcast segment contains a **valid signal content** for a signal database, wherein said signal database is a plurality of stored signals.” *Logan* does not disclose this limitation.

Rather, *Logan* discloses a system for selecting, erasing, or reproducing program recordings using marking and descriptive data. A database of identification signals is maintained wherein the identification signal specifies the characteristics of a known programming. Furthermore, the identification signals are used to identify desired programming, or used to compare to information describing the content of the matching program. (Abstract).

During the comparing process, the identification signal is downloaded to the buffer processor 60 and the processor can correlate that downloaded portion with one or more of the identification signals stored within the identification signal memory 64. (col. 9, lines 36-50).

Applicants respectfully submit that because the identification signal disclosed in *Logan* is used to identify a specific programming, the identification signal is not the programming content. Therefore, *Logan* does not disclose “determining if said broadcast segment contains a **valid signal content** for a signal database.” Because *Logan* fails to disclose this limitation, *Logan* does not teach or suggest the limitations of claims 1, 17, and 20.

Dependent claims 2-13, 15, 16, 18, 19, and 21-23 depend from claims 1, 17, and 20 and therefore incorporate the limitations of these claims. For at least the reasons stated above, claims 2-13, 15, 16, 18, 19, and 21-23 are not anticipated by *Logan*. Accordingly, reconsideration and withdrawal of the rejections of claims 1-13, and 15-23 are respectfully requested.

With respect to claim 24, claim 24 as amended recites “a selector to select a portion of said received broadcast signal, wherein the portion of said received broadcast signal includes broadcast media content.” Similar to the discussion with respect to claims 1, 17, and 20, *Logan* does not disclose selecting “a portion of said received broadcast signal, wherein the portion of said received broadcast signal includes broadcast media content.”

Dependent claims 25 and 26 depend from claim 24, and therefore incorporate the limitations of these claims. For at least the reasons stated above, claims 25 and 26 are not anticipated by *Logan*. Accordingly, reconsideration and withdrawal of the rejections of claims 24-26 are respectfully requested.

With respect to the amendment made in claim 27, Applicants respectfully submit that the limitations amended are fully supported by the specification. See paragraph [0031] and [0032] of the specification as filed.

According to the Examiner, the “attribute signal” discloses the “descriptor” as recited in claim 27. However, *Logan* does not disclose that the “signal characteristic of the selected portion and assigning the measured signal characteristic, wherein the signal characteristic includes amplitude levels, frequency content, and signal-to-noise ratio (SNR) of the selected portion.” *Logan* merely discloses that a characteristic of a segment including its length, date of recording, associated performing artist. (col. 4, lines 28-33). Therefore, *Logan* does not teach or suggest the limitations of claim 27.

Dependent claims 28 and 29 depend from claim 27 and therefore incorporate the limitations of these claims. For at least the reasons stated above, claims 28 and 29 are not anticipated by *Logan*. Accordingly, reconsideration and withdrawal of the rejections of claims 27-29 are respectfully requested.

#### **IV. Claim Rejections Under 35 U.S.C. § 103**

Claim 14 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Logan* in view of U.S. Patent No. 4,710,945 to Bocci et al. (“*Bocci*”). Applicants respectfully traverse this rejection. To establish a *prima facie* case of obviousness, the Examiner must show that the cited references, when combined, teach or suggest each of the elements of a claim.

Dependent claim 14 depends from claim 1 and therefore incorporates the limitations of that claim. For at least the reasons stated above, *Logan* does not disclose the limitations of claim 1. Specifically, *Logan* fails to disclose “determining if said broadcast segment contains a valid signal content for a signal database.” *Bocci* does not cure this deficiency.

Rather, *Bocci* discloses a signal selection system wherein a plurality of received signals are analyzed to determine their statistical characteristics. (Abstract). The statistical characteristics of the received signals are whether a particular signal is a “good” signal for processing. The system disclosed in *Bocci* does not relate to broadcasting and *Bocci* does not disclose a broadcast segment that may contain a valid signal content. Because *Bocci* fails to disclose the limitation of claim 1, *Bocci* does not cure the deficiency of *Logan*. Thus, claim 1 is patentable over the combination of *Logan* and *Bocci*. Claim 14 depends from claim 1 and therefore claim 14 is patentable over the combination of *Logan* and *Bocci*. Accordingly, reconsideration and withdrawal of the rejection of claim 14 is respectfully requested.

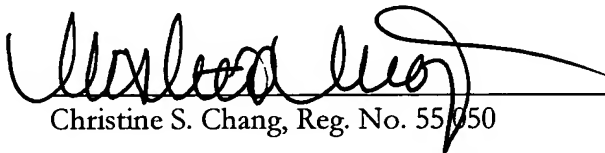
## CONCLUSION

In view of the forgoing, it is believed that all claims now pending, namely claims 1-30 are in condition for allowance and such action is earnestly solicited at the earliest possible date. If there are any additional fees due in connection with the filing of this response, please charge those fees to our Deposit Account No. 02-2666. Questions regarding this matter should be directed to the undersigned at (310) 207-3800.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: May 24, 2006

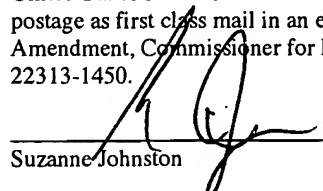


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I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



Suzanne Johnston

5/24/06  
Date